

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

NOV - 8 2016

David J. Bradley, Clerk

UNITED STATES OF AMERICA

v.

Tabitha Lynn Rodriguez

YOB: 1994

Principal

United States

Faith Darlene Banda

YOB: 1992

Co-Principal

United States

CRIMINAL COMPLAINT

Case Number:

M-16-2064-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 6, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did, *- Barriletos*
(Track Statutory Language of Offense) knowing or in reckless disregard of the fact that William Balmore Galdamez, a citizen and national of El Salvador and Jose Elmer Del Cid-Mendoza, a citizen and national of Honduras and six (6) other undocumented aliens for a for a total of eight (8), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Donna, Texas to the point of arrest near Donna, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**

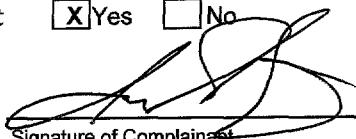
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On November 6, 2016, Border Patrol Agents assigned to the Weslaco Border Patrol Station were conducting surveillance near a levee south of Donna, Texas. Agents observed five (5) subjects get into a blue 2008 Kia Sorrento, and as the agent approached the vehicle it sped off at a high rate of speed leaving behind several additional subjects. As the agent approached the vehicle he observed a female driving, later identified as Tabitha Lynn Rodriguez, and a female in the front passenger seat, later identified as, Faith Darlene Banda who was yelling and motioning at the driver to drive away. The agents apprehended the three (3) individuals left by the vehicle and notified agents in the area of the situation.

Continued on the attached sheet and made a part of this complaint

Yes

No



Signature of Complainant

Approved: Joseph Leonard
Swear to before me and subscribed in my presence,

November 8, 2016

Date

8:58 am

Jayson Springer Senior Patrol Agent
Printed Name of Complainant

McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Peter E. Ormsby
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-2044 -M

**RE: Tabitha Lynn Rodriguez
Faith Darlene Banda**

CONTINUATION:

Responding agents observed the blue Kia Sorrento pass their location, on Military Highway 281, at a high rate of speed and they contacted the Donna Police Department for assistance. Agents followed and attempted to catch up to the vehicle. The Kia Sorrento came to a stop after hitting a road sign, at the intersection of South Avenue and FM 493, puncturing a tire, at which time all occupants fled the vehicle.

Agents arrived on scene and searched the immediate area locating seven (7) subjects, five (5) of which were determined to be undocumented aliens in the United States illegally, two (2) were United States Citizens. Agents located paperwork inside the Kia Sorrento showing it was purchased by Rodriguez. Rodriguez told agents where to find the keys to the vehicle. All subjects were transported to the Weslaco Border Patrol Station for processing.

Principal Statements:

1. Tabitha Lynn Rodriguez was advised of her Miranda Rights and stated she understood her rights but refused to answer any questions without an attorney and all questioning was stopped.
2. Faith Darlene Banda was advised of her Miranda Rights and stated she understood her rights but refused to answer any questions without an attorney and all questioning was stopped.

Material Witness Statements:

Two material witnesses were advised of their Miranda Rights in their preferred language. They all stated they understood their rights and were willing to provide statements without the presence of an attorney.

1. William Balmore Galdamez-Barrientos, a citizen and national of El Salvador, stated that he paid \$1400 USD to be smuggled into the United States in an attempt to go to Houston, Texas. Galdamez stated that the guide pointed to the vehicle and told them to run to it and get in. Galdamez stated that he heard both females yelling to get down. He told agents when the vehicle drove off he was scared because the driver was driving very fast and he was not wearing a seatbelt while lying in the back. After the vehicle stopped he ran from the vehicle and hid in a shed until he was arrested by Border Patrol.
2. Jose Elmer Del Cid-Mendoza, a citizen and national Honduras, stated that he made the smuggling arrangements and needed to pay \$2,000 USD when he arrived to Houston, Texas. After rafting across the Rio Grande River and walking through the brush the group he was with arrived at a levee. When they arrived, the guide leading them pointed to the only vehicle on the road and told them to run to the vehicle. He stated the vehicle was a blue sports utility vehicle they got in, he then heard a female voice tell him to get down. Del Cid stated when they took off he was laying in the back of the vehicle and not wearing a seatbelt. When the vehicle hit the curb he thought it was going to roll over and feared for his life. He fled the vehicle and hid in a metal shed where he was found by Border Patrol.